

25 March, 2010

Dear Mr. Frazier,

The Blue Ribbon Commission on America's Nuclear Future offers an historic opportunity to tackle a persistent and controversial problem. The way that the "back end of the nuclear fuel cycle" is managed will have profound societal implications. Communities may be asked to host the disposal, storage, or processing of civilian and defense used nuclear fuel, high-level waste, and materials derived from nuclear activities. Other communities along transportation routes will be concerned about the safe movement of these materials through their boundaries. All taxpayers will be affected by the complex infrastructure that will be required to handle these materials.

As you well know the issues raised by the management of the "back end of the nuclear fuel cycle" have generated considerable controversy and loss of social trust and confidence in the integrity of the siting and facility development program. Our familiarity with these consequences lead us to believe that it is imperative that the Commission pay careful attention to its role in building legitimacy, trust, and confidence in future policies.

An expert panel that works in isolation will be hard-pressed to realize solutions that ensure competence, equity, legitimacy, and trust/confidence. Past experience shows that there is a strong likelihood that a panel that does not adequately listen to and incorporate public and stakeholder input is very likely to fail. Contrastingly, a process that does involve all interested and affected parties meaningfully will learn substantive and important information. It will build confidence and legitimacy in the process and its recommendations (by showing how input is used and using the process to help educate). And, it will lead to implementable and successful policies.

Our suggestions are based on extensive experience as members of federal advisory committees, National Academy of Science Boards and Committees (including those related to nuclear waste management), the EPA Science Advisory Board, international committees such as the Forum for Stakeholder Confidence run by the Nuclear Energy Agency of the OECD in Paris, as well as scholarly research on social dimensions of risk and public participation.

The Commission should, in consultation with the Secretary of Energy, seek better disciplinary balance on the Commission. At present, the Commission's membership lacks meaningful representation of experts in areas such as risk perception, risk communication, public involvement in nuclear waste policy decisions, and the economics of nuclear waste management. We are reminded of a 1978 quote from Richard Hewlett, a DOE historian, that federal officials failed to solve many fundamental issues because they "were not asking the right questions" (Hewlett, R.G. 1978. *Federal Policy for the Disposal of Highly Radioactive Wastes from Commercial Nuclear Power Plants*. DOE/MA-01530, Washington DC: US Department of Energy. Pages 1 and 3). He furthermore remarked that, "lip service was given to the importance of such non-technical factors as public understanding and acceptance, but almost nothing was invested in the analysis or evaluation of these factors. There is no evidence at all that attention was given to such matters as social, cultural or psychological phenomena that might serve as constraints in implementing a technical solution." The importance of these issues has been reiterated by numerous subsequent committees and reports. The Commission should seek to augment its membership with expertise on such social dimensions of nuclear waste policy, preferably by suggesting to the Secretary that members be added to the Commission but alternatively by suggesting standing subcommittees to address these important areas.

In addition, to improve the possibility that the process will result in productive outcomes, we recommend the Commission establish activities that encourage the meaningful involvement of the broad range of individuals and organizations that will be interested and affected by its work. We recognize that the Commission is governed by FACA, which requires some opportunities for input and transparency. However, given the societal sensitivities of the issues involved, the Commission should go beyond the letter of the law and President Obama's Directive on Open Government.

First, a Commission website should be created for the purpose of disseminating information and announcing meetings and opportunities to give feedback or comments to the Commission. This website should contain:

- All documents provided to Commission members and its subcommittee members. Documents provided prior to meetings should be posted on the website prior to meetings as well.
- All presentations made to the Commission and its subcommittees.
- Full transcripts of all Commission and subcommittee meetings (not just meeting summaries or abbreviated minutes).
- All public comments and documents submitted to the Commission.
- A "user friendly" mechanism for comments and documents to be submitted to the Commission.
- A way to sign up for an email mailing list, for meeting notifications, etc.
- A full schedule of anticipated meetings of the Commission and subcommittees so that interested parties know when there will be opportunities for input.

Second, the amount of time for public comment should be expanded and should occur at times other than at the end of meetings. Given the importance of the issues under consideration by the Commission there is a high likelihood that there will be enough people at meetings that want to verbally submit comments such that 15 minutes at the end of a meeting will be insufficient. Just saying that people unable to come or without sufficient time to speak "are invited to send a written statement" does not convey a strong interest. Allotting 15 minutes at the end of the meeting (as is the case for the first scheduled meeting) sends a strong signal that public comment is not valued. There are many examples of other committee and advisory boards that have found ways to expand opportunities for public comment without biting too much time out of the agenda. Moreover, experience shows that useful and relevant information is often gained through such comments. We recommend that there be multiple ways for citizens and stakeholders to comment, and that there be adequate opportunities for people to speak directly to the Commission.

Third, and following from the last point, we recommend that there be mechanisms for people who are unable to attend in person to listen to the Commission and subcommittee meetings via a phone or web connection. This can be supplemented with active and creative efforts to gather useful input and participation from a broad range of stakeholders throughout the process. For example, a series of open meetings around the country could be held and the internet used to supplement the face-to-face dialogues. Successful internet dialogues have been convened by the EPA and by university researchers on other controversial technology policy decisions (e.g., nanotechnology). However useful internet dialogues are, it is also important to hold face-to-face public meetings across the country, and particularly in the communities likely to be most affected.

Fourth, we recommend that a formal mechanism be established by which the Commission responds to public comments and questions. Responses should be made publicly available on the website, as well as being addressed to the individual or group making the statement. Responses should do more than thank the individual or group for the comment, but explain how the Commission has chosen to react to the comment or suggestion.

Fifth, the Commission should consider financially supporting the participation of independent experts, public interest organizations, and potentially impacted parties whose involvement is key to the legitimacy and competence of the Commission's work. Their participation can be used to gather input and help inform others about the complex issues involved (i.e., promote social learning). Commission subcommittees can offer opportunities for such broad engagement and two-way communication.

We believe that implementing these recommendations is essential if the Commission is to craft a path forward for addressing an issue that is complex, highly controversial, and of great social importance.

Thank you for your consideration.

Sincerely,

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